IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 482 of 2007(G)

PETITIONER:

THANKAM CASHEW EXPORTERS,
PALLIKKAL P.O., KILIMANOOR, TRIVANDRUM,
REPRESENTED BY ITS MANAGING PARTNER SHAHIR SHAH,
RESIDING AT MADAVOOR, PALLIKKAL P.O.,
KILIMANOOR, TRIVANDRUM.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION LTD., KESTON ROAD, KOWDIAR,
TRIVANDRUM-695 003, REPRESENTED BY
ITS GENERAL MANAGER.

3. THE KERALA FINANCIAL CORPORATION,
HEAD OFFICE, VELLAYAMBALAM, TRIVANDRUM-695 033,
REPRESENTED BY ITS MANAGING DIRECTOR.

4. KOLLAM CASHEW MANUFACTURERS &
EXPORTERS ASSOCIATION, VII/126,
SR JUNCTION, KANNANALLOOR P.O., KOLLAM.

BY ADV. SRI.L.MOHANAN, SC, KFC
GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007 ALONGWITH WP(C) 484 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)Nos.482 & 484 OF 2007

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Dated this the 4th day of January 2007

JUDGMENT

Prayer in both writ petitions is for a direction to 3rd respondent, Kerala Financial Corporation to communicate the amount payable by petitioner-defaulters under one time settlement scheme to the 2nd respondent, the KSIDC forthwith. According to petitioners, KSIDC has agreed to finance repayment of debt under rehabilitation scheme. If there is a scheme for KSIDC directly settling liability to Kerala Financial Corporation, both being Government Corporations, I see no reason why the issue cannot be settled between them on petitioner's request without any court orders. Separate counsel appearing for Kerala Financial Corporation in both cases however stated that one time settlement benefit will be considered by Board of Directors, based on proposals submitted by the debtors only after remittance of 10% of the outstanding amount. If there is any standard norm for settlement under one time settlement scheme, then the Kerala Financial Corporation should furnish the same to petitioners. On the other hand, if one

time settlement scheme is granted on case to case basis and decisions are taken by Board of directors, then of course no such one time settlement benefit can be communicated by Kerala Financial Corporation without request from debtors backed by 10% payment. It is open to petitioners to deposit 10% and to inform the time frame within which they or KSIDC will make payment of balance due under OTS for Kerala Financial Corporation to consider grant and communicate benefits under one time settlement scheme expecting payment within the promised time.

Writ petition is disposed of with the above observations.

C.N.RAMACHANDRAN NAIR, JUDGE

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